

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

RONALD LARKINS,

Petitioner,

-v-

9:18-CV-1491

JOSEPH NOETH,

Respondent.

APPEARANCES:

OF COUNSEL:

RONALD LARKINS

Petitioner, Pro Se

11-B-3910

Wende Correctional Facility

P.O. Box 1187

Alden, NY 14004

HON. LETITIA JAMES

New York State Attorney General

Attorneys for Respondent

28 Liberty Street

New York, NY 10005

JAMES FOSTER GIBBONS, ESQ.

Ass't Attorney General

DAVID N. HURD

United States District Judge

ORDER ON REPORT & RECOMMENDATION

On December 26, 2018, *pro se* petitioner Ronald Larkins (“petitioner”) filed this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 challenging his 2015 conviction for robbery and various weapons

offenses. Dkt. No. 1. Broadly stated, petitioner contends that he is entitled to habeas corpus relief because (1) he was unlawfully search during a traffic stop; and (2) his counsel and the court committed error during the jury trial that resulted in his conviction on the robbery and gun charges. *Id.*

On November 9, 2021, U.S. Magistrate Judge Miroslav Lovric advised by Report & Recommendation (“R&R”) that the petition be denied and dismissed. Dkt. No. 26. Petitioner has filed timely objections. Dkt. No. 32. Respondent filed a response. Dkt. No. 33. Upon *de novo* review of the portions to which petitioner has objected, the R&R is accepted and will be adopted. *See* 28 U.S.C. § 636(b)(1)(C).

Therefore, it is

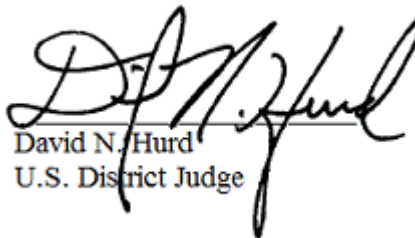
ORDERED that

1. The Report & Recommendation is ACCEPTED;
2. The petition is DENIED and DISMISSED; and
3. No Certificate of Appealability shall be issued.

The Clerk of the Court is directed to enter a judgment accordingly and close the file.

IT IS SO ORDERED.

Dated: January 6, 2022
Utica, New York.


David N. Hurd
U.S. District Judge